

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 26, 2015

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2014AP2276

Cir. Ct. No. 2014CV897

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

CITY OF MADISON,

PLAINTIFF-RESPONDENT,

V.

RAY A. PETERSON,

DEFENDANT-APPELLANT.

APPEAL from an order of the circuit court for Dane County:
FRANK D. REMINGTON, Judge. *Affirmed and cause remanded with directions.*

¶1 SHERMAN, J.¹ Ray Peterson, pro se, appeals a circuit court order that had the effect of upholding forfeitures imposed on Peterson in municipal court for multiple violations of the City of Madison housing code.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b) (2013-14). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

¶2 This court may make allowances for pro se litigants, and has done so for Peterson on at least two prior occasions. See *Peterson v. Stevens*, No. 2013AP709, unpublished slip op. (WI App Oct. 24, 2013); *City of Madison v. Peterson*, No. 2013AP893, unpublished slip op. (WI App Sept. 5, 2013). In each of those cases, this court characterized Peterson’s briefing as “highly inadequate in multiple respects,” advised Peterson of the briefing requirements under the appellate rules of procedure, but addressed his arguments nevertheless. See *Peterson v. Stevens*, No. 2013AP709, unpublished slip op. ¶12; *City of Madison v. Peterson*, No. 2013AP893, unpublished slip op. ¶7.

¶3 In *City of Madison v. Peterson*, No. 2014AP1306, unpublished slip op. ¶2 (WI App March 5, 2015), Peterson submitted to this court a brief which this court described as “grossly inadequate by any standard.” In that case, this court stated that Peterson “plainly has actual knowledge of our briefing requirements under the appellate rules of procedure,” but that he had submitted to the court a brief consisting of an incoherent one-page table of contents and an incoherent argument section. *Id.* This court stated that it was “hard pressed” to even say what Peterson’s arguments were, and it declined to address Peterson’s arguments on the basis that those arguments were insufficiently developed. *Id.*, ¶¶3-4.

¶4 In the present case, as in *City of Madison v. Peterson*, No. 2014AP1306, unpublished slip op., Peterson has submitted to this court an incoherent brief containing arguments that I am likewise hard pressed to even identify. The City of Madison has requested that Peterson’s brief be struck; however, as this court did in *City of Madison v. Peterson*, No. 2014AP1306, unpublished slip op., I will decline to address Peterson’s arguments on the basis that his arguments are insufficiently developed, and I affirm on that basis. See *State v. Pettit*, 171 Wis. 2d 627, 646–47, 492 N.W.2d 633 (Ct. App. 1992) (court

of appeals need not address inadequately developed arguments that fail to conform to briefing requirements).

¶5 The City of Madison has filed a motion for actual attorney fees and costs pursuant to WIS. STAT. RULE 809.25(3), arguing that Peterson’s arguments in this case were previously raised and rejected in *City of Madison v. Peterson*, No. 2013AP893, unpublished slip op., giving Peterson “notice that his arguments [are] without merit,” that Peterson continues to present arguments without factual or legal support, that Peterson continues not to follow the rules of appellate procedure “making a response extraordinarily time-consuming and unduly difficult,” despite being on notice of the requirements and the inadequacy of his brief writing in prior cases. As noted above, Peterson has presented this court with an incoherent brief containing arguments that are difficult, if not even impossible, to identify. Accordingly, I conclude that Peterson’s appeal is frivolous and grant the City’s motion. I therefore remand this matter to the circuit court for the assessment of costs and fees, including reasonable appellate attorney fees, pursuant to RULE 809.25(3).

By the Court.—Order affirmed and cause remanded with directions.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

